

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-358]

**Certain Recombinantly Produced Human Growth Hormones; Notice of Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and Notice of Investigation To Withdraw a Patent Claim****AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ's) initial determination (ID) in the above-captioned investigation granting complainant Genentech, Inc.'s motion to amend the complaint and notice of investigation by withdrawing claim 38 of U.S. Letters Patent 5,221,619 from the investigation.

**FOR FURTHER INFORMATION CONTACT:**

Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3106.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on September 29, 1993, based on a complaint filed by Genentech, Inc. of South San Francisco, California. 58 FR 50954. The following five firms were named as respondents: Novo Nordisk A/S of Denmark; Novo Nordisk of North America, Inc. of New York; ZymoGenetics, Inc. of Seattle, Washington (collectively, "the Novo respondents"); Bio-Technology General Corp. of New York; and Bio-Technology General Corp. (Israel) Ltd. (collectively, "the BTG respondents").

At the pre-hearing conference on April 8, 1994, complainant Genentech orally moved to amend the complaint by withdrawing claim 38 of the '619 patent from the investigation. The parties addressed complainant Genentech's motion in their post-hearing submissions. The Commission investigative attorneys (IAs) supported complainant's motion. The Novo respondents and the BTG respondents opposed complainant's motion. No petitions to review the ID were filed and no government agency comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission interim rule 210.53 (19 C.F.R. 210.53).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, DC 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: December 28, 1994.

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

[FR Doc. 95-202 Filed 1-4-95; 8:45 am]

BILLING CODE 7020-02-P

**INTERSTATE COMMERCE COMMISSION****Availability of Environmental Assessments**

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders or Ms. Judith Groves, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927-6203 or (202) 927-6246.

Comments on the following assessment are due 15 days after the date of availability:

AB-290 (Sub-No. 164X), Louisiana Southern Railway Company—Abandonment—at Chalmette, Louisiana—Notice of Exemption. EA available 12/16/94.

AB-290 (Sub-No. 165X), Norfolk & Western Railway Company—Abandonment—In Cincinnati, Ohio. EA available 12/19/94.

AB-103 (Sub-No. 10X), Kansas City Southern Railway Company—Abandonment—Independence Air Line Branch. EA available 12/26/94.

Comments on the following assessment are due 30 days after the date of availability: None.

**Vernon A. Williams,**

Acting Secretary.

[FR Doc. 95-225 Filed 1-4-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32629]

**Pioneer Railcorp; Continuance in Control Exemption; Minnesota Central Railroad Company**

Pioneer Railcorp (Pioneer), a noncarrier holding company, has filed a notice of exemption to continue in stock ownership control of Minnesota Central Railroad Company (MNCR), its wholly owned noncarrier subsidiary, when MNCR becomes a class III rail carrier. MNCR concurrently filed a notice of exemption in *Minnesota Central Railroad Company—Acquisition and Operation Exemption—MNVA Railroad, Inc.*, Finance Docket No. 32628, to acquire from MNVA Railroad, Inc. (MNVA), a class III rail carrier, and operate a 146-mile rail line in Minnesota. Consummation was scheduled for December 13, 1994.

Pioneer owns and controls seven other class III rail carriers: West Jersey Railroad Co., operating in New Jersey; Fort Smith Railroad Co., operating in Arkansas; Alabama Railroad Co., operating in Alabama; Mississippi Central Railroad Co. (formerly Natchez Trace Railroad), operating in Mississippi and Tennessee; Alabama & Florida Railway Co., operating in Alabama; Decatur Junction Railway Co., operating in Illinois; and Vandalia Railroad Company, operating in Illinois.<sup>1</sup>

Pioneer states that: (1) The properties operated by these carriers do not connect with each other or any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Donald G. Avery and Patricia E. Dietrich, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

<sup>1</sup> See *Pioneer Railcorp—Continuance in Control Exemption—Vandalia Railroad Company*, Finance Docket No. 32594 (ICC served Oct. 28, 1994).

Decided: December 23, 1994.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-229 Filed 1-4-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32628]**

**Minnesota Central Railroad Company;  
Acquisition and Operation Exemption;  
Rail Lines of MNVA Railroad, Inc.**

Minnesota Central Railroad Company (MNCR), a noncarrier,<sup>1</sup> has filed a notice of exemption to acquire and operate approximately 146 miles of MNVA Railroad, Inc.'s (MNVA) Hanley Falls-Minneapolis rail line between milepost 145.08, at Hanley Falls, MN, and milepost 0.0, at Minneapolis, MN.<sup>2</sup> As part of this transaction MNCR will purchase MNVA's right, title and interest in certain incidental trackage rights agreements. MNCR and MNVA executed an agreement on November 4, 1994 for the purchase and operation of MNVA's Hanley Falls-Minneapolis rail line, along with its incidental trackage rights agreements, rail operating assets, and other contract rights. The parties intend to consummate the transaction on or after December 14, 1994, the effective date of the exemption.

This proceeding is directly related to a concurrently filed notice of exemption in Finance Docket No. 32629, *Pioneer Railcorp—Continuance in Control Exemption—Minnesota Central Railroad Company*, wherein Pioneer Railcorp seeks to continue in control of MNCR when MNCR becomes a class III rail carrier upon consummation of the transaction described in this notice.<sup>3</sup>

Any comments must be filed with the Commission and served on: Donald G. Avery, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

<sup>1</sup> MNCR is a wholly owned subsidiary of Pioneer Railcorp, a noncarrier holding company.

<sup>2</sup> Originally established in 1983, MNVA operates over a former Chicago & North Western (C&NW) rail line between milepost 145.08 at Hanley Falls, Yellow Medicine County, MN, and milepost 51.3, at Norwood, Carver County, MN, under a contract for sale agreement with the Minnesota Valley Regional Rail Authority. MNVA also has trackage rights over the C&NW from milepost 51.3, at Norwood to milepost 0.0, at Minneapolis, Hennepin County, MN.

<sup>3</sup> Pioneer Railcorp already controls seven class III shortline rail carriers: West Jersey Railroad Co. (operating in New Jersey); Fort Smith Railroad Co. (operating in Arkansas); Alabama Railroad Co. (operating in Alabama); Mississippi Central Railroad Co. (operating in Mississippi and Tennessee); Alabama & Florida Railway Co. (operating in Alabama); Decatur Junction Railway Co. (operating in Illinois); and Vandalia Railroad Company, (operating in Illinois).

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 15, 1994.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-228 Filed 1-4-94; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32650]**

**Eastern Maine Railway Company;  
Acquisition Exemption; Rail Line of  
Canadian Pacific Limited Between  
Brownville Junction and Vanceboro,  
ME**

Eastern Maine Railway Company (Eastern Maine), a noncarrier,<sup>1</sup> has filed a notice of exemption to acquire the eastern portion of Canadian Pacific Limited's (CP) rail line between Skinner and Vanceboro, ME.<sup>2</sup> The portion of the line involved in the transaction is 99.5 miles and extends from milepost 105.1 at Brownville Junction, ME, to milepost 5.6 at the Maine-New Brunswick border near Vanceboro, ME.<sup>3</sup>

Eastern Maine, Irving, and NBR, have concurrently filed a related petition in *Eastern Maine Railway Company, J.D. Irving, Limited and New Brunswick Railway Company—Petition for Disclaimer of Jurisdiction or, Alternatively, for an Exemption From 49 U.S.C. 11343(a)(5)*, Finance Docket No. 32651. In that proceeding, Eastern Maine, NBR, and Irving seek to enable Irving to continue in control of Eastern Maine should Eastern Maine become a

<sup>1</sup> Eastern Maine, is a wholly owned subsidiary of New Brunswick Railway Company (NBR). Both Eastern Maine and NBR are represented to be noncarriers. NBR is controlled by J.D. Irving Limited (Irving).

<sup>2</sup> This CP line is the subject of a pending abandonment application in *Canadian Pacific Limited—Abandonment—Line Between Skinner and Vanceboro, ME*, Docket No. AB-213 (Sub-No. 4).

<sup>3</sup> Acquisition of the western portion of CP's line between Brownville Junction and the Maine-Quebec border near Skinner and operation of the entire CP line between Skinner and Vanceboro is the subject of a notice of exemption filed concurrently by Canadian American Railroad Company (CDAC) in *Canadian American Railroad Company—Acquisition and Operation Exemption—Certain Lines of Canadian Pacific Limited in Maine*, Finance Docket No. 32646. Related to that notice is a petition for exemption filed concurrently in *Fieldcrest Cannon, Inc. and Downeast Securities Corporation—Continuance in Control—Canadian American Railroad Company*, Finance Docket No. 32647.

class III rail carrier upon consummation of the acquisition. Consummation of the acquisition by Eastern Maine in the instant proceeding is contingent upon the Commission granting the petition in the related Finance Docket No. 32651.

Any comments must be filed with the Commission and served on: William C. Evans, 901 15th Street, N.W., Suite 700, Washington, DC 20005-2301; and W. David Jamieson, P.O. Box 5777-300 Union Street, 12th Floor, Saint John, New Brunswick, Canada E2L 4M3.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Because this line is the subject of a pending abandonment application (see n.2 *supra*), and labor protective conditions would have been imposed if abandonment had been authorized in that proceeding, the Commission will seriously consider in this case the imposition of the conditions imposed in *Oregon Short Line R. Co.—*

*Abandonment—Goshen*, 360 I.C.C. 91 (1979). Petitions to revoke for purposes of imposing labor protective conditions should address the exceptional circumstances which would permit the Commission to impose such conditions on this 49 U.S.C. 10901 transaction.

Decided: December 29, 1994.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-227 Filed 1-4-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32646]**

**Canadian American Railroad  
Company; Acquisition and Operation  
Exemption; Certain Lines of Canadian  
Pacific Limited in Maine**

Canadian American Railroad Company (CDAC), a noncarrier, has filed a notice of exemption to acquire and/or operate Canadian Pacific Limited's (CP) line between Skinner and Vanceboro, ME.<sup>1</sup> CDAC will acquire and operate 101.7 miles of the western portion of CP's line of railroad between milepost 0.0 at Brownville Junction, ME, and milepost 101.7 at the Maine-Quebec border near Skinner, ME, and

<sup>1</sup> This CP line is the subject of a pending abandonment application in *Canadian Pacific Limited—Abandonment—Line Between Skinner and Vanceboro, ME*, Docket No. AB-213 (Sub-No. 4).